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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL KING,

Plaintiff(s),

v.

EQUIFAX INFORMATION
SERVICES, LLC, et al.,

Defendant(s).

2:12-CV-1704 JCM (PAL)

ORDER

Presently before the court is defendant Freddie Mac's motion to dismiss. (Doc. # 70). Responses were due by plaintiff by May 12, 2013. Plaintiff has not filed a response or sought an extension from the court.


Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response to a motion and failure to file a timely response constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

1 Plaintiff filed a motion that is presently before the magistrate judge on May 17, 2013.
2 Plaintiff has been active in this case after the deadline to the opposition to Freddie Mac's motion to
3 dismiss. Plaintiff has seven days from this order to file a response in opposition to defendant Freddie
4 Mac's motion to dismiss. Otherwise, plaintiff will be subject to local rule 7-2.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Freddie Mac's
7 motion to dismiss (doc. # 70) be, and the same hereby is, GRANTED. The case is hereby dismissed
8 as to defendant Freddie Mac without prejudice.

9 DATED June 6, 2013.

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12 **UNITED STATES DISTRICT JUDGE**